

APPEAL NO. 032798  
FILED NOVEMBER 20, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on October 8, 2003. The hearing officer resolved the disputed issues by deciding that the respondent/cross-appellant (claimant) sustained a compensable injury on \_\_\_\_\_, and that he had disability on December 10 and December 11, 2002, but not thereafter through the date of the CCH. The appellant/cross-respondent (carrier) appeals the hearing officer's determinations that the claimant sustained a compensable injury and that he had disability for the period found by the hearing officer, contending that the hearing officer's determinations are contrary to the great weight and preponderance of the evidence. The claimant appeals the disability determination. An amended request for review filed by the claimant's treating doctor will not be considered because the treating doctor was not a party at the CCH nor is he the claimant's representative in this matter. See Section 410.202(a). The carrier filed a response to the claimant's appeal and a response to the amended request for review filed by the treating doctor. No response was received from the claimant.

DECISION

Affirmed.

The claimant had the burden to prove that he sustained a compensable injury as defined by Section 401.011(10) and that he had disability as defined by Section 401.011(16). Conflicting evidence was presented on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The claimant states in his appeal that he did not return to work on "December 12, 2003" (sic should be 2002). However, the claimant testified that he did return to work on December 12, 2002, and that he worked in his supervisory job until January 3, 2003. Although there is conflicting evidence in this case, we conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **REPUBLIC FRANKLIN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**RICHARD A. MAYER  
11910 GREENVILLE AVENUE, SUITE 600  
DALLAS, TEXAS 75243.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge